

REMARKS

Claims 1, 10-17 and 29-44 are pending in the application. Claim 1 has been amended and claims 10-17 have been cancelled without prejudice or disclaimer. Accordingly, claims 1 and 29-44 will be pending in the application upon entry of the claim amendments presented herein.

No new matter has been added. Amendment and cancellation of the claims herein should not be construed as acquiescence to any objections or rejections set forth in the pending Office Action or in any previous Office Action and were done solely to expedite prosecution. Applicants hereby reserve the right to pursue the claims as originally filed, or similar claims, in one or more subsequent patent applications.

Allowable Subject Matter

Applicants note with appreciation the withdrawal of the objections/rejections enumerated on pages 2 and 3 of the Office Action. Applicants also note with appreciation the allowance of claims 29-44.

Claim Objection Is Overcome

Claims 10-17 are objected to because the recited limitations allegedly do not further limit claim 1, thereby rendering claim 1 unclear. Applicants respectfully traverse the objection.

However, without acquiescing in any way to the objection and in order to expedite prosecution, Applicants have cancelled claims 10-17 without prejudice or disclaimer, thereby obviating the objection. Accordingly, Applicants respectfully request reconsideration and withdrawal of the present objection to claims 10-17.

Claim Rejections under 35 U.S.C. § 112, Second Paragraph, Are Overcome

Claim 12 is rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse the rejection.

However, as noted above, claim 12 has been cancelled without prejudice or disclaimer, thereby obviating the rejection. Accordingly, Applicants respectfully request reconsideration and withdrawal of the present rejection of claim 12 under 35 U.S.C. § 112.

Claim Rejections under 35 U.S.C. § 102 Are Overcome

Claims 1 and 12-17 are rejected under 35 U.S.C. § 102(b) as allegedly anticipated by WO/52791. Applicants respectfully traverse the rejection.

Applicants have amended claim 1 to specify that SEQ ID NO: 47 is a required element of the claim rather than an alternative claim element. In addition, reference to SEQ ID NO: 3 has been removed from claim 1. Applicants respectfully submit that WO/52791 neither teaches nor suggests SEQ ID NO: 47, nor use of the same in a pharmaceutical composition. As noted above, claims 12–17 have been cancelled without prejudice or disclaimer thereby obviating the rejection as to those claims. Accordingly, Applicants respectfully request reconsideration and withdrawal of the present rejections of the claims under 35 U.S.C. § 102(b).

CONCLUSION

In view of the foregoing, Applicants respectfully request entry of the amendments and remarks presented herein, reconsideration and withdrawal of all objections and rejections and allowance of the application with claims 1 and 29-44 presented herein. If a telephone conversation with Applicants' attorney(s) would help to expedite the prosecution of the application, Applicants invite the Examiner to contact to the undersigned at the telephone number listed below.

Applicants believe that no additional fees are required in connection with this paper. Nevertheless, Applicants authorize the Director to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to Deposit Account No. 04-1105, under Order No. 62063(51588).

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Respectfully submitted,

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